

REMARKS

This Amendment is responsive to the Office Action dated November 24, 2004. Claims 1-23 were pending in the application. In the Office Action, claim 23 was allowed, claims 1-7, 9, 11, 12, 14 and 17-20 were rejected and claims 8, 10, 13, 15, 16, 21 and 22 were objected to. In this Amendment, claims 1-3, 6, 8-13, 15-17, 19 and 21-22 were amended, claims 4, 5, 14 and 20 were cancelled and claims 24-27 were added. Claims 1-3, 6-13, 15-19 and 21-27 thus remain for consideration.

Applicant submits that claims 1-3, 6-13, 15-19 and 21-27 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

§ 112 Rejection

Claims 2, 3, 6, 7, 10-13 and 15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, 6, 7, 10-13 and 15 have been amended, therefore, the above rejection should be traversed.

§ 102 Rejection

Claims 1-5, 9, 11, 14 and 17-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Levy (US Patent Number 5,197,168).

Applicant submits that the independent claims (claims 1, 9 and 17) are patentable over Levy.

Applicant's invention as recited in the independent claims is directed toward a jewelry clasp. For example, independent claim 1 specifies that an interconnecting element is located on the second body. Claim 1 further specifies that the interconnecting element is a certain distance from the edge of the second body. Supporting disclosure for Applicant's interconnecting element can be found throughout the specification. (See, e.g., Page 9, ¶ 47; and Figs. 2 and 4, element 34). Claims 9 and 17 contain similar limitations.

Levy does not disclose an interconnecting element that is located on the second body and is a certain distance from the edge of the second body. In other words, Levy's safety catch is thrown over the end of the clasp not into an interconnecting element located a certain distance from the edge. (See, e.g., Figs. 4, 5, 7, 14 and 16).

Since Levy does not disclose an interconnecting element located on the second body, which is a certain distance from the edge of the second body, Applicant believes that independent claims 1, 9 and 17 are patentable over Levy.

Claims 2-3 depend on claim 1. Since claim 1 is believed to be patentable over Levy, claims 2-5 are believed to be patentable over Levy on the basis of their dependency on claim 1.

Claim 11 depends on claim 9. Since claim 9 is believed to be patentable over Levy, claim 11 is believed to be patentable over Levy on the basis of their dependency on claim 9.

Claims 18-19 depend on claim 17. Since claim 17 is believed to be patentable over Levy, claims 18-19 are believed to be patentable over Levy on the basis of their dependency on claim 17.

Allowable Subject Matter

Applicant thanks Examiner for allowing claim 23.

Examiner stated that claims 6 and 12 would be allowable if rewritten to overcome the 112 rejections and rewritten in independent form to include all the limitations of the base claim and any intervening claims. Claims 6 and 12 have been so amended and therefore should be allowed.

Examiner stated that claims 8, 10, 13, 15, 16, 21 and 22 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Claims 8, 10, 13, 15, 16, 21 and 22 have been so amended and therefore should be allowed.

Claims 25-27 depend on claims 6, 15 and 21, respectively. Since claims 6, 15 and 21 are believed to be allowable, claims 25-27 are believed to be allowable on the basis of their dependency on claims 6, 15 and 21.

CONCLUSION


Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

A check in the amount of \$1060.00 is enclosed covering a one month extension of time (\$60.00) and ten (10) additional independent claims (\$1000.00).

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

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The PTO did not receive the following
listed item(s) a check for \$1060.00